



NORFOLK

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August 25, 2015

To the Honorable Council
City of Norfolk, Virginia


R-23

Re: Ordinance to Amend Norfolk City Code Section 29-70.1

Dear Ladies and Gentlemen:

Attached please find an ordinance amending Norfolk City Code Section 29-70.1. The ordinance addresses problems that have developed in recent months with the buskers performing in downtown Norfolk. Some of them play, typically along Granby Street, very loudly and very late into the night. This has led to complaints from the Downtown Norfolk Civic League (Kevin Murphy, President), the Downtown Norfolk Council (Mary Miller, Chief Executive Officer), and various citizens who reside in the apartments and condominiums in the immediate area of Granby Street. The ordinance is designed to deal with the problem by placing restrictions on the volume of sound that the buskers produce at night, from 11:00 p.m. to 7:00 a.m. the next day during the week and from 11:59 p.m. and 7:00 a.m. the next day Friday and Saturday evenings. The draft ordinance has met with the approval of both Kevin Murphy and Mary Miller. It is designed to strike a compromise between the interests of buskers who wish to perform in to the early morning hours and the interest of residents who want to sleep without interruption.

Respectfully submitted,


Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

Form and Correctness Approved:

By

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By

DEPT. OF LAW

ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN SUBSECTION (C) OF SECTION 29-70.1 OF THE NORFOLK CITY CODE, 1979, **SO AS TO** RESTRICT THE VOLUME OF SMALL PERFORMANCES IN LATE EVENING HOURS.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That subsection (c) of Section 29-70.1 of the Norfolk City Code, 1979, is hereby amended and reordained so as to add the following:

Sec. 29-70.1 (c) Small performance restrictions -
Generally. Performers shall not:

(11.5) Perform between the hours of 11:59 p.m. and 7 a.m. the next day on Friday or Saturday evening and between the hours of 11 p.m. and 7 a.m. the next day on any other day of the week so as to generate an audible and discernable sound at a distance of 100 feet or more. For purposes of this subsection the phrase "audible and discernable" means that the sound can be heard by the human ear and is sufficiently distinct for its source to be clearly identified.

Section 2:- That this ordinance shall be in effect from and after its adoption.